

Application No: 08/876,008
Filing Date: June 13, 1997
Group Art Unit: 2776
Examiner: A. Kindred
Atty Docket No: 17778-19

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the following remarks. The arguments made herein could not have been earlier presented since the claims are rejected based upon newly cited web printout entitled "LDS Singles Connection."

Claims 1-28 are pending in the application and are rejected.

The Examiner rejects claims 1-28 under 35 U.S.C. §103(a) over Wesinger, Jr., et al., in view of DuFresne, and further in view of LDS, LDS Singles Connection, singles.ids.net, pp.1-2 ("LDS").

Applicant respectfully directs the Examiner's attention to the copyright notice on the LDS website printout. The copyright notice includes the years of 1996, 1997, 1998, and 1999. Applicant points out that the burden to establish the effective date of a reference bearing a multi-year copyright notice rests upon the U.S. Patent and Trademark Office. Thus, unless the Examiner can establish that the subject matter relied upon to reject the claims has an effective date that is prior to the filing date of the present application, the rejection is improper and cannot be maintained.

If the Examiner has any questions with regard to this policy, Applicant invites the Examiner to contact Primary Examiner James P. Trammell (Group 2700) with whom the undersigned has discussed this matter.

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In view of the above, Applicant submits that pending claims 1-28 are in condition for allowance for which Applicant respectfully requests a notice of allowance.

The Examiner is urged to telephone the undersigned Attorney for applicants in the event that such communication is deemed to expedite prosecution of this matter.

Respectfully submitted,

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Date: November 9, 1999

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